

Belvedere: January 27, 2005
Jerry Butler

Corte Madera: **TO:** Transportation Authority of Marin Commissioners
Melissa Gill

Fairfax: **RE:** TAM Advisory Committee Standing Rules and Application and
Lew Tremaine Appointment Procedures – Agenda Item 7

Dear Commissioners:

Larkspur:
Joan Lundstrom

Mill Valley:
Dick Swanson

Novato:
Pat Eklund

Ross:
Tom Byrnes

San Anselmo:
Peter Breen

San Rafael:
Al Boro

Sausalito:
Amy Belser

Tiburon:
Alice Fredericks

County of Marin:
Susan Adams
Hal Brown
Steve Kinsey
Cynthia Murray
Charles McGlashan

The voter-approved Measure A Transportation Sales Tax Expenditure Plan establishes two advisory committees: a Citizens' Oversight Committee, who will review all sales tax related expenditures of TAM and will report directly to the public; and a Technical Advisory Committee, who will make recommendations to TAM on infrastructure investment priorities. TAM Administrative Code Section 104.3 echoes the Expenditure Plan advisory committee provisions, including committee purpose and composition, and contains additional provisions on selecting a chair and scheduling meetings.

In addition to the Citizens' Oversight Committee and the Technical Advisory Committee, TAM may establish other special or ad hoc advisory committees, as deemed necessary or advisable from time to time pursuant to TAM Administrative Code Section 104.2(b)(2).

TAM will depend on these advisory committees to conduct public business and to comply with applicable statutory mandates and, as a matter of public interest, it is advisable to establish standing rules and appointment procedures for these committees.

Attached to this staff report is a proposed resolution (see Attachment 1), which would adopt standing rules and application and appointment procedures for TAM advisory committees. These rules and procedures, which have been reviewed and approved as to form by counsel, are based on a model developed for the Marin County Board of Supervisors.

The proposed standing rules include (but are not limited to) provisions for following Brown Act requirements, adhering to applicable laws regarding non-discrimination, complying with conflict of interest disclosure requirements, taking a loyalty Oath of Office, avoiding impropriety and the appearance of impropriety, creating committee by-laws, and individual and committee protocols.

The proposed application and appointment procedures include (but are not limited to) provisions for notifying nominating organizations, filing applications, appointing and re-appointing committee members, and maintaining an appointments list. A sample application form is attached to this staff report as Attachment 2.

Recommendation

Staff recommends that TAM adopt Resolution 2005-01, thereby establishing and specifying standing rules and application and appointment procedures for TAM advisory committees.

Respectfully Submitted,

Craig Tackabery
Executive Director

Attachments

1. Resolution 2005-01
2. Sample TAM Advisory Committee Application Form

Attachment 1

RESOLUTION NO. 2005-01

A RESOLUTION OF THE TRANSPORTATION AUTHORITY OF MARIN ESTABLISHING AND SPECIFYING STANDING RULES AND APPLICATION AND APPOINTMENT PROCEDURES FOR ADVISORY COMMITTEES

WHEREAS, the voter-approved Measure A Transportation Sales Tax Expenditure Plan establishes two advisory committees: a Citizens' Oversight Committee, who will review all sales tax related expenditures of the Transportation Authority of Marin (TAM) and will report directly to the public; and a Technical Advisory Committee, who will make recommendations to TAM on infrastructure investment priorities; and

WHEREAS, pursuant to TAM Administrative Code Section 104.2(b)(2), TAM may establish other special or ad hoc advisory committees, as deemed necessary or advisable from time to time; and

WHEREAS, TAM will depend on these advisory committees to conduct public business and to comply with applicable statutory mandates; and

WHEREAS, as a matter of public interest, TAM deems it advisable to establish standing rules and appointment procedures for these advisory committees and the members of those bodies.

NOW, THEREFORE, BE IT RESOLVED that TAM does hereby approve the "TAM Advisory Committees Standing Rules and Application and Appointment Procedures" document attached to this resolution as Exhibit A.

PASSED AND ADOPTED at a regular meeting of the Transportation Authority of Marin, on the 27th day of January, 2005 by the following vote to-wit:

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

STEVE KINSEY, CHAIR
TRANSPORTATION AUTHORITY OF MARIN

ATTEST:

Craig Tackabery
Executive Director

TAM Advisory Committees
Standing Rules and Application and Appointment Procedures

Standing Rules

1. Citizens appointed to the two standing TAM advisory committees, the Citizen Oversight and the Technical Advisory Committee, shall be appointed for a term of four years. Appointment terms shall commence on May 1 and shall terminate on the fourth anniversary date of such commencement date. Members of these advisory committees shall be appointed to their full terms, subject to eligibility provisions contained in Section 104.3 of the TAM Administrative Code.
2. Any special or ad hoc advisory committee so created shall cease to exist upon the accomplishment of the special purpose for which it was created, or when abolished by a majority vote of the TAM Board. The Executive Director shall prepare an annual summary report of special or ad hoc advisory committees and make recommendations to the TAM Board regarding the elimination of committees whose functions or purpose have been fulfilled or where the mandate or purpose for the creation of the committee has expired.
3. Advisory committees that are responsible for conducting public business for TAM are subject to all provisions of the Ralph M. Brown Act, California Government Code Section 54950 et seq. (as amended), which mandates open meetings for local legislative bodies.
4. Advisory committee members are required to comply with disclosure requirements of the Political Reform Act of 1974, California Government Code Section 81000 et seq. (as amended), and must complete and file all necessary disclosure documents.
5. All appointed advisory committee members, whether new or re-appointed, shall take a loyalty Oath of Office prior to voting on any matter presented to the advisory committee to which they have been appointed to serve.
6. Advisory committee members shall avoid impropriety and the appearance of impropriety and shall not use their appointed position to further their own financial/pecuniary gain or for any other purpose not directly related to the governmental function they have been appointed to perform.
7. Unless authorized as the designated spokesperson by the advisory committee, an individual member may not represent the advisory committee before any other committee or agency or to the press or general public. Advisory committee members are defined as "officers" of TAM and hence are governed by California Government Code Section 3201 et seq. (as amended) relating to political activities.
8. Advisory committee members shall be responsible for having a working knowledge of the establishing ordinance, by-laws, federal or state mandates or any other governing regulations that define and set forth the intent and purpose of their appointment and shall only represent and take action on matters related thereto.

Exhibit A, Page 2 of 2

Resolution 2005-01

9. No advisory committee shall have powers other than advisory to TAM. Standing advisory committees, the Citizens' Oversight Committee and Technical Advisory Committee, shall have adopted by-laws approved by the TAM Board within 90 days of committee formation.
10. Advisory committee members shall not knowingly or otherwise misrepresent the scope of their influence or authority in matters assigned to their committee or represent recommendations of their respective advisory body as official TAM policy until such time as formal action, such as adoption of a resolution, has been taken by the TAM Board.
11. The TAM Board shall retain discretion to rescind any advisory committee appointment(s), as deemed necessary.

Application and Appointment Procedures

1. Notice of application for appointment to standing advisory committees shall be posted on the TAM website and provided to: all TAM Board Commissioners; all city, town, and county clerks for posting; local newspapers; all qualified nominating organizations; and all Marin County library branches. Application notification periods shall be conducted for a minimum of 60 days.
2. When a vacancy exists on an advisory committee and no applications have been submitted, the vacancy will be continued until such time as an appointment is made. The TAM Board may, at any time, move to continue an appointment to a subsequent date.
3. New members of advisory committees and members who wish to continue serving in their appointed capacity for an additional term are required to complete and submit a new application or may update and resubmit their original application if no pertinent information has changed. Applications shall be submitted to the TAM Executive Director, and all qualifying applications for the vacancy will be submitted to the TAM Board for consideration, selection, and appointment.
4. The TAM Executive Director shall maintain a public information list of members appointed to TAM Advisory Committees. The list shall include the name of the appointee, the date the term expires, and affiliation and/or nominating organization. The list shall be updated annually on January 1.



Attachment 2 Sample Application Form

APPLICATION FOR APPOINTMENT TO ADVISORY COMMITTEES APPOINTED BY THE TRANSPORTATION AUTHORITY OF MARIN (TAM)

Please complete this form and return to the TAM Executive Director at the address below.

Name: _____

Home Address: _____

Telephone: _____

E-Mail Address: _____

Occupation: _____ Age: _____

Advisory Committee Applied For: _____

Nominating Organization: _____

Summary of Qualifications for Appointment: _____

Summary of Reasons for Applying: _____

Do you or will you have any personal economic interest or benefit in any Measure A project?

Yes _____ No _____

List any government agency or organization of which you are an elected official, officer, or employee that are funded by or provide services to TAM:

Date: _____ Signature: _____

Additional information may be attached.

Please note that you may be required to file a Conflict of Interest disclosure statement form if you are appointed to a TAM advisory committee (California Government Code Section 81000 et seq.).